

**ORIGINAL**

Decision No. 73401

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the safety, use,  
and protection of the grade crossings  
of SOUTHERN PACIFIC COMPANY in the  
County of Ventura, State of California,  
being Crossings Nos. 410.6 and E-411.2. )

Case No. 8502  
(Filed August 16, 1966)

Application of the County of Ventura  
to construct a new public crossing  
over the Southern Pacific Railroad  
(Coast Route) located approximately  
3881' west of existing Wolff Road  
Crossing No. E-411.2 )

Application No. 49653  
(Filed August 31, 1967)

(Appearances listed in Appendix A)

O P I N I O N

After notice to all parties in Case No. 8502, a hearing thereon was held before Examiner Rogers in the city of San Buenaventura, California, on February 8, 1967, and the matter was submitted.

The purposes of the investigation were:

1. To determine whether or not the public health and safety require the abolishment of the crossings or either of them.
2. To determine whether or not the public health and safety require the reconstruction, relocation, or alteration of the crossings or either of them, or require the installation and maintenance of additional protective devices thereat, or require alteration of existing protective devices.

3. To determine whether Southern Pacific Company is maintaining its tracks and premises at or near the crossings in such a manner as to promote and safeguard the health and safety of its employees, passengers, customers and the public generally.

4. To prescribe the terms on which any such crossing abolishment, reconstruction, relocation, alteration, installation or maintenance of protection shall be done, and to make such apportionment of cost among the respondents or any of them, as appears just and equitable.

On March 16, 1967, the County of Ventura filed a petition to have Case No. 8502 reopened.

By Decision No. 72363 dated May 2, 1967, the Commission set aside the submission and reopened the matter for further hearing.

A further hearing was held on June 23, 1967. At this hearing Ventura County's lawyer stated that the Ventura County Board of Supervisors had recommended that the Wolff Road crossing (Crossing No. E-411.2) be closed and that the private crossing (MP 410.6) be changed to a public crossing and moved west to coincide with the initial roadway of an ultimate divided highway to be constructed by the County from East Fifth Street to Sturgis Road. He requested that the matter be continued to give the County an opportunity to file an application for authority to construct the proposed new crossing.

Application No. 49653 was thereafter filed and a consolidated hearing on Case No. 8502 and Application No. 49653 was held on September 22, 1967 before Examiner Rogers in the city

of San Buenaventura. There were no protests. At the hearing, parties who appeared as protestants at the prior hearings on Case No. 8502 either failed to appear or appeared as interested parties. All parties who had appeared in any capacity at the prior hearings were given notice of the September 22, 1967 hearing.

The February 8, 1967 Hearing

The Staff's Evidence

The area included in the investigation and the two crossings are shown on Appendix B. They are located three to 3½ miles east of the city of Oxnard and north of East Fifth Street (State Route 34), which is approximately two miles south of and parallel to U. S. Highway 101. Southern Pacific's Coast Route main line (Railroad) passes through the area immediately north of and parallel to East Fifth Street.

The two crossings are located between the public crossings of Rice Road (Crossing No. E-409.6) on the west and Pleasant Valley Road (Crossing No. E-411.8) on the east. These crossings are approximately two miles apart.

The area is principally agricultural and is devoted to truck farming and dairies, with oil production facilities interspersed throughout.

Each crossing is at grade. The crossing at Milepost 410.6 is purportedly a private crossing.<sup>1</sup> The crossing at Wolff Road (Crossing No. E-411.2) is a public crossing. The physical characteristics of the two crossings are as follows:

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<sup>1</sup> This crossing will hereinafter be referred to as a private crossing although it appears to be in general public use.

Crossing MP 410.6

1. Number of tracks	1 main line	
2. Width of crossing	16 feet	
3. Angle of crossing	90 degrees	
4. Approach grades:		
South approach	Plus 4%	
North approach	Plus 2%	
5. Illumination	None	
6. Protection devices	None	
7. Advance warning signs and surface markings	None	
8. Maximum train speeds	79 MPH	
9. Posted maximum vehicle speeds	None	
10. Vehicular traffic per day	130	
11. Number of trains per day	21	
12. Drivers' visibility when:	<u>To the Right</u>	<u>To the Left</u>
20 feet north or south of track	Unrestricted	Unrestricted
13. Accidents since Jan. 1, 1955	None	

Crossing No. E-411.2 - Wolff Road

1. Number of tracks	1 main line	
2. Width of crossing	15 feet	
3. Angle of crossing	90 degrees	
4. Approach grades:		
South approach	Plus 10%	
North approach	Plus 7%	
5. Illumination	None	
6. Protection devices	2 Standard No.1 signs 1 "Railroad Crossing- Use Caution" sign	
7. Advance warning signs and surface markings	Yes	
8. Maximum train speeds	79 MPH	
9. Posted maximum vehicle speeds	None	
10. Vehicular traffic per day	89	
11. Number of trains per day	21	
12. Drivers' visibility when:	<u>To the Right</u>	<u>To the Left</u>
20 feet east or west of track	Unrestricted	Unrestricted
13. Accidents since Jan. 1, 1955	None	

The private crossing (MP 410.6) is located 64 feet north of East Fifth Street. The majority of the vehicles over the crossing appear to be company vehicles, employees' vehicles and vehicles of business invitees destined to or coming from companies located on the north side of the track. A large portion of traffic using the crossing has origins and destinations directly across East Fifth Street south of the crossing where another facility devoted to oil processing is located. The crossing is used mostly between 6 A. M. and 6 P. M. weekdays and Saturdays. During the remainder of the time and on Sundays, the traffic varies between 10 and 40 vehicles daily.

The crossing of Wolff Road (Crossing No. E-411.2) is located 62 feet north of East Fifth Street. The crossing is sub-standard in width and in poor condition. A majority of the vehicles over the crossing are southbound on Wolff Road after turning off of Sturgis Road from the west. This traffic comes from the north on Rice Road with the exception of the residents and the visitors on Sturgis and Wolff Roads. There is one farm residence on the southeast corner of Wolff and Sturgis Roads and two intersecting dirt roads for two oil well sites north of the crossing. For the majority of the traffic originating on Rice Road, an alternate route via East Fifth Street exists with no additional travel distance. For the occupants of the residences on Sturgis and Wolff Roads the maximum additional travel distance if they desire to travel south and if the Wolff Road crossing did not exist would be 1.51 miles via Pleasant Valley Road. The maximum additional distance for the visitors to the two oil well sites would be 1.65 and 1.73 miles. Wolff Road is not included in the County's General Plan of Highways.

The staff engineer recommended that (1) within 60 days from the effective date of the order in this proceeding, the private crossing at Milepost 410.6 be posted as such and widened to a minimum width of 24 feet; (2) within 60 days from the effective date of the order herein, Wolff Road (Crossing No. E-411.2) should be closed to vehicular traffic and physically removed at Southern Pacific's expense, or, if not closed, the crossing should be widened to 24 feet, the grades of approach lowered to 6 percent or less, the crossing be protected with two Standard No. 8 flashing light signals supplemented with automatic crossing gates and the costs of such protection divided 50 percent to the County and 50 percent to the Railroad.

Other Parties

The owner of 120 acres of land at the southwest corner of the intersection of Sturgis and Wolff Roads opposed the closing of the Wolff Road crossing for the reasons that Wolff Road provides an alternate north-south route in the area and is rather heavily used by navy-based people at peak traffic hours or when there is road work along Rice Road or Pleasant Valley Road; that Wolff Road was a County road before the Railroad was granted a right of way; that there is considerable agricultural area north of the Railroad and farm equipment, supplies and produce are moved over the crossing; that if the crossing is closed this traffic will be forced to use Rice Road, Pleasant Valley Road or Wood Road, each of which is heavily traveled; and that there is a flood problem in the area and twice within the past year, due to floods, the only method of ingress and egress was via Wolff Road. The witness further stated that Sturgis Road is in a reasonably good state of

repair and the County is working on the flood problem at the present time; that the Wolff Road crossing has an excellent safety record; and that Wolff Road in conjunction with Pleasant Valley Road and other roads with which it makes connection provides a direct method of reaching the Point Mugu Naval Base in the south and many of the navy base employees who originate north of East Fifth Street use Wolff Road to and from the base. The witness further stated that if the Wolff Road crossing were closed, persons now traveling south on Rice Road and using Sturgis Road from Rice Road east to Wolff Road would be required to travel approximately one and one-half miles further east on Sturgis Road to Pleasant Valley Road and south thereon to arrive at the intersection of Wolff Road and Pleasant Valley Road.

The executive director of the Oxnard Industrial Development Committee for the City of Oxnard testified that, as far as can be ascertained, there has never been an accident at the Wolff Road crossing; that in view of the excellent safety record the crossing should remain open; that Ventura County is the fastest growing county in Southern California; that the City of Oxnard intends to acquire the area which includes the Wolff Road crossing and make the area industrial; that the closing of the crossing will be a great inconvenience; and that Wolff Road will become a city street in the near future.

Ventura County

The Ventura County Traffic Engineer testified that the County is in complete accord with the recommendation for closure of the Wolff Road crossing; that because of the crossing's close proximity to East Fifth Street and steep approach grade on the

south approach it is potentially hazardous; that the crossing is little used and of very little benefit to the public; that its future need is very doubtful even if the area is further developed; that the crossing does not warrant the expenditure of public and private funds for improvement and maintenance; and that the crossing should be physically removed.

The Brotherhood of Locomotive Engineers

A representative of the Brotherhood of Locomotive Engineers stated that protection at each crossing is either non-existent or inadequate; that the trains using the track are high speed; and that the crossings constitute hazards to trains, train crews and the general public. It was his opinion that the crossings should either be closed or be given adequate protection.

Southern Pacific Company

The Railroad's lawyer refused to cross-examine witnesses or present any affirmative evidence as he did not want the Railroad to be an active joint participant (see Breidert vs Southern Pacific Company 61 Cal 2d 659 at 662). Here the Commission is investigating whether or not the public safety requires that one or both crossings should be closed or have improved protection. The Commission has such authority over both public crossings (Section 1202 P.U.C.) and private crossings (Section 7537 P.U.C.). The Railroad was named by the Commission as a respondent. It received a copy of the order instituting investigation, notice of the hearing, and it had an opportunity to be heard. It did not choose to be heard.



The September 22, 1967 Hearing

By Application No. 49653 the County of Ventura seeks authority to construct a new public highway extending from East Fifth Street to Sturgis Road across the Railroad's right of way. This highway will be approximately 3,880 feet west of Wolff Road (Crossing No. E-411.2) and 710 feet west of the private crossing (MP 410.6) at Milepost 410.5 (Appendix B). The Wolff Road crossing and the private crossing are to be closed when the proposed crossing is completed.

The County will construct an access for a road north of the Railroad running east from the proposed new highway. The access road will enable the owner of the property now served by the private crossing (MP 410.6) to cross the Railroad by using the proposed new crossing (Exhibit 3). The owner has agreed that the private crossing may be closed when the proposed crossing is opened for public use (Exhibit 5).

The County of Ventura will install two Standard No. 8 flashing light signals supplemented with automatic gates at the new crossing.

The proposed highway between East Fifth Street and Sturgis Road will have 32-foot wide paving. The maximum grade of approach from East Fifth Street will be 5.8 percent and there will be a .2 percent grade down to the tracks from the north. The County will pay one-half of the cost of the protection at the crossing and will reimburse the Southern Pacific Company for the costs of paving in the track area. The Railroad is agreeable to the proposal but desires that the Commission order that the costs be divided pursuant to an agreement to be executed by the County and the Railroad.

The application alleges that the proposed new crossing site is the result of a cooperative effort on the part of Ventura County, the City of Oxnard and property owners in the area affected in that the site selected fits the ultimate alignment of a future road shown on the County General Plan of Highways. The application further alleges that the Wolff Road crossing has steep grades of approach and has no automatic protection; that the private crossing has no protective devices and is substandard in width; and that the new crossing would replace the two hazardous crossings with an adequately protected, well engineered crossing. The application further alleges that the proposed crossing is to be constructed at grade as the anticipated low volume of traffic will not economically justify a separation.

The County has the funds on hand with which to build the highway as proposed and will start the work in August, 1968. The highway could be completed within approximately three months thereafter.

The Commission's counsel requested that the order of the Commission specify that the costs of the crossing protection be apportioned 50 percent to the County and 50 percent to the Southern Pacific Company and that the proposed crossing be completed within one year or the Wolff Road crossing be closed.

#### Findings

Upon the evidence of record herein we make the following findings of fact:

1. The crossing at Milepost 410.6 is the only means of access to oil well sites and related businesses located north of the Railroad from East Fifth Street which is parallel to and 64 feet south of the Railroad track.

2. The maximum permitted train speed at the crossing at Milepost 410.6 is 79 miles per hour; there are approximately 21 trains per day over said crossing; the average daily vehicular traffic is 130 vehicles; the grades of approach are plus 4 degrees from the south and plus 2 degrees from the north; the crossing is 16 feet wide; the visibility is unrestricted in all directions; there have been no accidents at the crossing since January 1, 1955; and there is no protection or advance warning sign at the crossing.

3. The crossing at Milepost 410.6 is unduly hazardous for persons or vehicles using said crossing and public and private safety require that it should be closed.

4. The Southern Pacific crossing at Wolff Road (Crossing No. E-411.2) is a public crossing.

5. The crossing at Wolff Road is located 62 feet north of East Fifth Street; it is sub-standard in width and in poor condition; the visibility is unrestricted in all directions; it is 15 feet in width; the grade of approach from the south is plus 10 degrees and from the north is plus 7 degrees; there is no illumination at the crossing; it is protected by two Standard No. 1 signs and one sign reading "Railroad Crossing - Use Caution"; the maximum train speed is 79 miles per hour; the average number of trains per day is 21; and the average number of vehicles per day is 89.

6. The crossing at Wolff Road is used by heavy farm machinery moving to and from farms north of the crossing and along Wolff Road.

7. Some of the traffic using the Wolff Road crossing originates north of the intersection of Rice Road and Sturgis Road and is destined for a navy base located south of the intersection of Pleasant Valley Road and Wolff Road; such traffic presently uses the Wolff Road crossing to avoid use of East Fifth Street which is sometimes congested; such traffic could reach the intersection of Pleasant Valley Road and Wolff Road by using Sturgis Road and Pleasant Valley Road; the latter route would require additional travel distance of approximately 1.1 miles.

8. The Wolff Road crossing is unduly hazardous and public safety requires that it be closed.

9. The County of Ventura plans to construct a new highway extending from East Fifth Street in the south, across the Railroad at Milepost 410.5 to Sturgis Road on the north. The planned highway will be located approximately 710 feet west of the private crossing and 3,880 feet west of the Wolff Road crossing. This highway will have an entrance north of the Railroad for a private road which will serve the area now served by the private crossing. The party presently served by the private crossing has agreed that the private crossing may be closed if it remains open until the new highway is opened across the Railroad. The County desires that the private crossing and the Wolff Road crossing be closed.

10. The Railroad and the County have agreed that the Railroad crossing at the new highway between East Fifth Street and Sturgis Road is to be protected by two Standard No. 8 flashing light

signals supplemented with automatic crossing gates and have agreed on the division of the costs but have not executed an agreement relative thereto. They have agreed that the costs of installation of the crossing protection should be divided equally between the Railroad and the County and that the County will pay the costs of paving in the track area.

11. Public convenience and necessity require that the County of Ventura be authorized to construct a crossing at grade over the Coast Line of the Southern Pacific Company at Mile Post 410.5 as specified in the order herein. A separation at grades is not now economically practicable.

12. Public safety requires that the new crossing be protected by two Standard No. 8 flashing light signals supplemented with automatic crossing gates.

13. The cost of installing the crossing protection should be apportioned 50 percent to the County and 50 percent to the Railroad.

14. Maintenance costs of the crossing protection should be apportioned 50 percent to the County and 50 percent to the Railroad pursuant to Section 1202.2 of the Public Utilities Code.

15. The proposed highway should be completed within one year from the effective date hereof and the crossing protection installed prior to said time. Simultaneously with the opening of the proposed highway, the private crossing at Milepost 410.6 and the Wolff Road crossing (Crossing No. E-411.2) should be closed. If the proposed highway and the new crossing are not opened to the public within one year, public health, safety and welfare require that the Wolff Road crossing (Crossing No. E-411.2) be

physically closed and barricaded and that the private crossing be widened and posted as specified in the order herein.

16. When the private crossing and the Wolff Road crossing are closed, the Railroad should perform the labor and bear the expense thereof.

Conclusion

We conclude that:

1. Application No. 49653 should be granted subject to the restrictions and conditions contained in the order herein.

2. The Wolff Road crossing and the private crossing should be closed and barricaded subject to the conditions in the order herein.

O R D E R

IT IS ORDERED that:

1. The County of Ventura is hereby authorized to construct a new public crossing at grade across the Coast Route main line of the Southern Pacific Company at the location described in Application No. 49653, to be identified as Crossing No. E-410.5, in the County of Ventura.

2. The County of Ventura shall bear the entire construction expense of the crossing including the area between the rails, and also the maintenance cost of the crossing outside of lines two feet outside the rails. The Southern Pacific Company shall bear the maintenance cost of the crossing between such lines. The width of the crossing and the grades of approach shall be as set forth in Exhibit 3 herein or as modified by agreement between the County of Ventura and the Southern Pacific Company. If the plans are

substantially modified, a copy of such modified plans shall be filed with this Commission prior to commencement of construction. Construction shall be equal or superior to Standard No. 2-A of General Order No. 72. Protection shall be by two Standard No. 8 flashing light signals supplemented with automatic gates. The Southern Pacific Company shall provide the automatic protection and shall do the work of installing the automatic protection. The County of Ventura shall reimburse the Southern Pacific Company for fifty percent of the costs of, and the costs of installing, the automatic protection.

3. Maintenance cost of the automatic protection shall be borne 50 percent by the County and 50 percent by the Railroad pursuant to Section 1202.2 of the Public Utilities Code.

4. The Southern Pacific Company shall, within one year after the effective date hereof, at its expense, physically close and barricade the Wolff Road crossing (Crossing No. E-411.2) and the private crossing (Milepost 410.6) to vehicular traffic; provided that, if the crossing authorized by ordering paragraph 1 of the order herein is not completed and opened to the general public within one year after the effective date hereof, the private crossing (Milepost 410.6) shall, at the Southern Pacific Company's expense and within three months after the expiration of said one-year period, be improved to be equal or superior to standard No. 2-A of General Order No. 72, shall be paved for a width of not less than 24 feet over the Southern Pacific Company's right of way, and shall be protected with two Standard No. 1 crossing signs (General Order No. 75-B).

5. The new crossing (Crossing No. E-410.5) shall be completed within one year from the effective date hereof.

6. Within thirty days after completion of the new crossing pursuant to this order, the County of Ventura shall so advise this Commission in writing. Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 25<sup>th</sup> day of NOVEMBER, 1967.

Ed E. Spitzbill  
President

William L. Bennett

Augusta

William J. ...

Fred P. ...  
Commissioners



Appendix A

APPEARANCES

Randolph Karr and Norman Ollestad,  
for Southern Pacific Company;  
William E. Sherwood, for the  
Department of Public Works,  
Division of Highways;  
John W. Wissinger and R. W. Allington,  
for County of Ventura; respondents.  
R. A. Byers, for City of Oxnard  
Industrial Development Committee;  
C. R. McGrath, for Santa Clara Chem.,  
Livingston Estate, Cee Dee Ranch Co.  
and Oxnard Frozen Foods;  
A. C. Tiffany, for Ventura County  
Farm Bureau; John H. Lenox;  
Robert S. Livingston; S. T. Todd;  
Heily & Blase by DeWitt F. Blase, and  
D. E. Franklin, for Blanche Fleischauer;  
protestants.

Robert Stehle, for Masfax Corporation;  
Richard P. Buhr, for Standard Oil  
Company; Morley Chase, for Chase  
Production Company and Oxnard Spreading  
Service; James E. Herley and  
H. E. Sweetser, for Jack Herley  
Operations; G. R. Mitchell, for  
Brotherhood of Locomotive Engineers;  
Robert E. Pearson, for Alma Scholle;  
Dorathy James and Helen M. Pearson;  
interested parties.

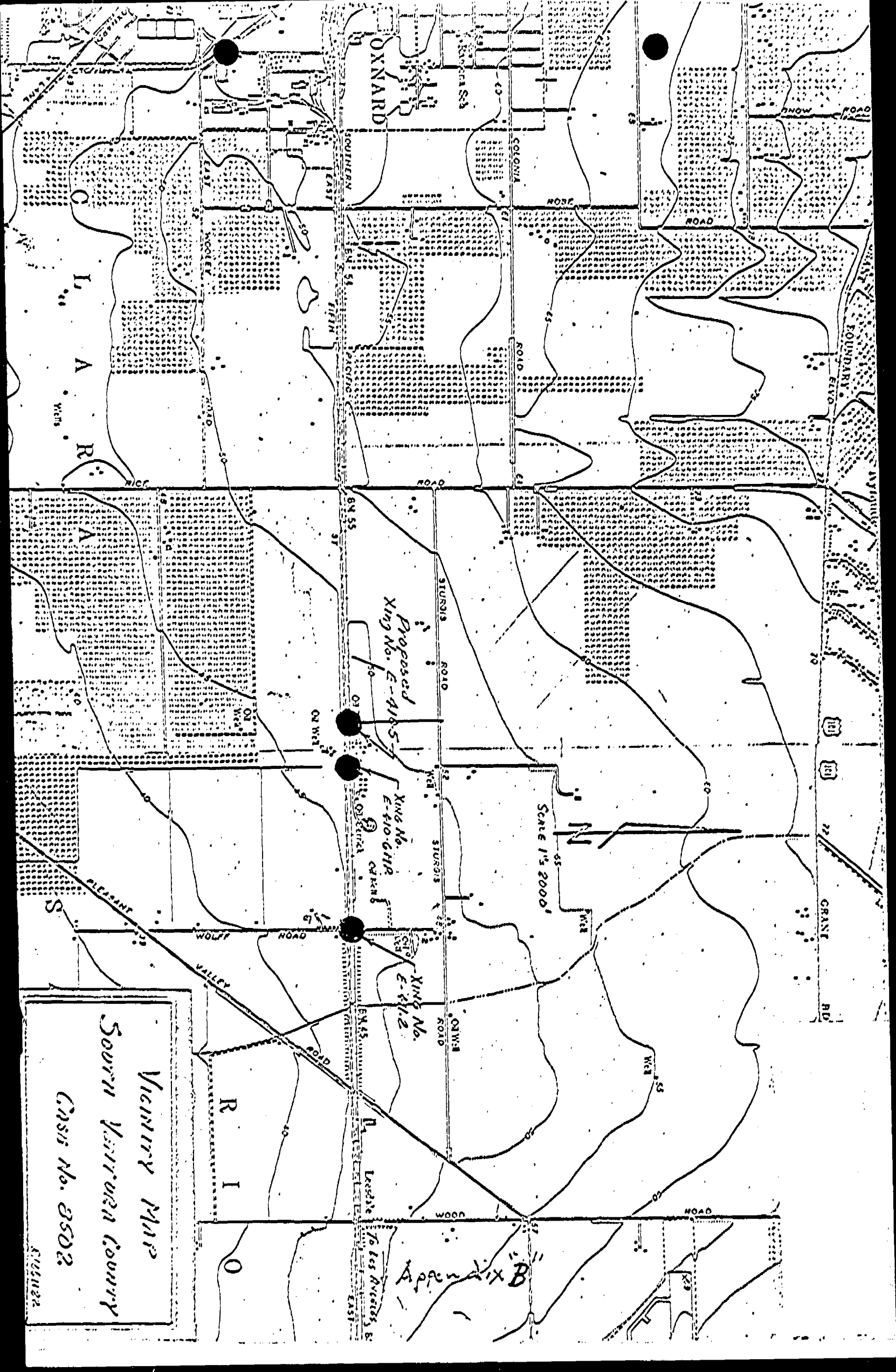
Above parties appeared in first two hearings  
on Case No. 8502.

John W. Wissinger, for applicant in  
Application No. 49653 and respondent  
in Case No. 8502.

Randolph Karr, for Southern Pacific Company,  
respondent in Case No. 8502 and interest-  
ed party in Application No. 49653.

Heily & Blase by DeWitt F. Blase, for  
Blanche Fleischauer; Thomas E. Laubacher,  
for Board of Supervisors, Ventura County;  
Robert Stehle, for Masfax Corporation;  
William E. Sherwood, for the Department  
of Public Works, Division of Highways;  
interested parties.

William C. Bricca, Counsel, and  
William L. Oliver, for the Commission  
staff.



OXNARD

SOUTHERN PACIFIC

101  
101

GRANT RD

Proposed  
King No. E-4115-5

King No.  
E-410-CHP

King No.  
E-411-2

SCALE 1" = 2000'

Appendix B

Vicinity Map  
South Warren County

Case No. 3502

1922